IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.953 OF 2005
WITH
CIVIL APPLICATION NO.1118 OF 2005

Smt. Rajashree wife of Dhanaji Mane ..Appellant.
Vs.
Ganpat Shamrao Nikam & Ors. ..
Respondents.

...

Mr. S.K. Chaurasia for the Appellant.
Mr. A.S. Jadhav for Respondent No.2.
Mr. G.D. Utangale i/b M/s. Utangale & Co. for Respondent No.4.

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CORAM : DR.D.Y.CHANDRACHUD, J.

22nd November, 2005.

P.C. :

The Learned Trial Judge has refused ad interim relief. An affidavit has been filed on behalf of the Slum Rehabilitation Authority (Respondent No.4) and on behalf of Respondent No.2, the developer. In the affidavit filed on behalf of the Slum Rehabilitation Authority, it has been stated that the name of the First Respondent who is the father of the Appellant appeared in Annexure II viz. the list of persons certified to be eligible for alternative accommodation. The affidavit of the Second Respondent states that since the First Respondent was held to be

eligible, it was to the First Respondent that the transit accommodation was allotted and possession of the permanent alternate accommodation in the newly constructed building has also been handed over to the First Respondent. Counsel appearing for the Second Respondent states that Room No. 601 has been handed over to the First Respondent. The Appellant, in the circumstances, cannot be granted any ad interim relief since it was the First Respondent, who was eligible for the allotment of the alternate accommodation. There is no merit in the Appeal which is accordingly dismissed.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.